

REMARKS

This application has been reviewed in light of the Office Action dated April 1, 2003. Claims 27, 29, 33-35, and 37-63 are presented for examination. Claims 27, 35, 37, 41-44, and 55 have been amended to define still more clearly what Applicant regards as his invention. Claims 62 and 63 have been added to provide Applicant with a more complete scope of protection. Claims 27, 37, 44, 62, and 63 are in independent form. Favorable reconsideration is requested.

An Information Disclosure Statement and a corresponding Form PTO-1449 were filed on March 24, 2003, as evidenced by a return receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. Applicant respectfully requests the Examiner to return an initialed copy of the Form PTO-1449, to confirm that the references cited thereon were considered.

Claims 27, 29, 33-35, and 37-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,675,358 (*Bullock et al.*), and claims 44-61 were rejected for obviousness-type double patenting, as being unpatentable over claims 9-25 of U.S. Patent No. 6,483,539 (hereinafter *Yamagishi '539*), issued on a divisional of the parent of this application, in view of *Bullock et al.*

As shown above, Applicant has amended independent claims 27, 37, and 44 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims and new independent claims 62 and 63, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The present invention is directed to an image processing system for photographing an image. In conventional systems, electronic still cameras capable of

recording still images on a recording medium, such as a memory card having solid-state memory elements, are available. In order to read the image stored on the memory card, it is necessary that the memory card is inserted into a portable computer.

The aspect of the present invention set forth in claim 27 is an image processing system. The image processing includes an image pickup apparatus and an information processing apparatus. The image pickup apparatus includes an image pickup unit adapted to pick up an image. The information processing apparatus includes an operating unit adapted to enter information, a processor adapted to process information entered at the operating unit, a display unit adapted to perform a display corresponding to data processed by the processor, a memory unit adapted to store images which were picked up by the image pickup unit, an interface adapted to detachably connect the image pickup apparatus, and a detector adapted to detect that the image pickup apparatus is connected. The information processing apparatus also includes a controller adapted to set a connection flag in accordance with a detection result of the detector, and switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set.

One important feature of claim 27 is that the controller sets a connection flag in accordance with a detection result of the detector, and switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set. That is, referring by way of example to the

information processing apparatus 300 shown in Figure 1, control means 60 uses the image pickup apparatus detachment detecting means 82 to determine whether the image pickup apparatus 200 is connected to the information processing apparatus 300 (step S5 in Figure 2A). When the control means 60 discriminates that the image pickup apparatus 200 is connected to the information processing apparatus 300, the control means 60 sets a connection flag (step S6 in Figure 2A). If the control means 60 discriminates that the image pickup apparatus 200 is not connected to the information processing apparatus 300, the control means resets the connection flag (step S7 in Figure 2A). When the connection flag is set, the control means 60 switches to a through-mode (step S11 in Figure 2B), in which sequential images sent from the image pickup unit are displayed. When the connection flag is reset, the control means 60 switches to a monitor-mode (step S10 in Figure 2B), in which an image which was pickup up by the image pickup unit and stored in the memory unit is displayed. Support for this feature can be found at least at page 13, lines 9-15, page 16, lines 2-15, and Figures 2A and 2B of the specification.¹

Bullock et al., as has been discussed previously, relates to a computer control and user interface of an instant digital image capture device. The *Bullock et al.* apparatus controls and displays image information seen by the image capture device together with images which have been captured and stored upon actuation of the device. A viewfinder window is located in a capture device window, which also includes a variety of push buttons, some of which control the image capture device, while others control the way in which the captured images are displayed on the computer screen. In response to a user command to capture an image, the image is displayed adjacent to the image capture

¹/It is to be understood, of course, that the claim scope is not limited by the details of this embodiment.

window. As the user continues to capture images, frames are displayed as long as the computer has adequate temporary storage. The user interface also allows the user to stack a set of images into a single object in the workspace. Images may be manipulated within the stack, discarded, modified, or changed between stacks of image objects.

Bullock et al. merely displays an image picked up by an image pickup apparatus 118 on a screen 114 of an information processing apparatus 100, when the information processing apparatus 100 is connected to the image pickup apparatus 118. Also, the *Bullock et al.* apparatus stores images into the information processing apparatus 100 and produces a capture device window 175 when an icon on the desktop of the information processing apparatus 100 is clicked (column 8, lines 52-65, and Figure 19A). That is, a display mode for displaying an image sent from the image pickup apparatus 118 is executed only when instructed by a user. However, nothing has been found in *Bullock et al.* that would teach or suggest a controller setting a connection flag in accordance with a detection result of the detector, and switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set, as recited in claim 27.

Accordingly, Applicant submits that claim 27 is clearly allowable over *Bullock et al.*

Independent claim 37 includes a similar feature of a controller setting a connection flag in accordance with a detection result of the detector, and switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup

unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set, as discussed above in connection with claim 27. Accordingly, claim 37 is believed to be patentable for at least the same reasons as discussed above in connection with claim 27.

With regard to the double patenting rejection set forth in the Office Action, Applicant has carefully reviewed claims 9-25 of *Yamagishi '539* and none of these claims include any recitation of a controller adapted to set a connection flag in accordance with a detection result of the detector, and switch between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set, as recited in claim 44. Further, as discussed above, nothing has been found in *Bullock et al.* that discloses a connection flag and switching between display modes based on the state of the connection flag.

For these reasons, claim 44 is believed clearly patentable over claims 9-25 of *Yamagishi '539*, in view of *Bullock et al.*

The aspect of the present invention as set forth in new independent claim 62 is an image processing apparatus. The image processing apparatus includes an image pickup apparatus, a housing, a detector adapted to detect a state of the housing, and a controller adapted to reversibly switch, according to a detecting output of the detector, between a first mode, in which an image pickup process is performed by the image pickup apparatus, and a second mode, in which any of a plural of processes other than the image pickup is performed.

Applicant has found nothing in *Bullock et al.* that would teach or suggest the features of claim 62. Accordingly, Applicant submits that claim 62 is clearly patentable.

Independent claim 63 is a method claim corresponding to apparatus claim 62, and is also believed patentable for the reason discussed above in connection with claim 62.

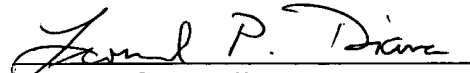
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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